

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 234.6(4), 239B.4(6), and 249A.4, the Department of Human Services amends Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” Chapter 65, “Food Assistance Program Administration,” Chapter 75, “Conditions of Eligibility,” Chapter 76, “Application and Investigation,” and Chapter 92, “IowaCare,” Iowa Administrative Code.

These amendments:

- Enable people to gain or regain Family Investment Program (FIP), Food Assistance, or Medicaid eligibility after denial or cancellation of assistance due to lack of information or lack of an interview when the required information is provided or the interview is completed within 14 days of the cancellation or denial. A new application would not be required.
- Exempt all reasonable income-producing costs from gross unearned income to align policies between unearned lump-sum income and other types of unearned monthly income.
- Allow flexibility for workers to complete application interviews for the Family Investment Program by telephone or face to face and make an interview optional for reviews.
- Make technical corrections to update form numbers and procedures.

Allowing a grace period to cure a denial or cancellation will streamline the eligibility determination process for applicants and members and for Department staff. Iowa has received approval of a waiver from the USDA Food and Nutrition Service to allow reinstatement of Food Assistance without a new application. The waiver will allow uniform processing standards across programs. The changes will reduce the “churning” of otherwise eligible people in and out of programs for procedural reasons.

Changes in the FIP interview requirement will increase flexibility in interviewing requirements and reduce unnecessary procedural requirements. Developing processing efficiencies is essential because Department caseloads are very high. Participation in the Food Assistance and Medicaid programs is at an all-time high, and the Family Investment Program caseload is increasing after years of steady decline. The combined effect of increased use of these Department programs has increased the average caseload for an income maintenance worker over 15 percent, from 467 in June 2008 to 540 in June 2009. Based on the current number of staff, the projected average caseload would increase to 594 by June 2011.

These amendments do not provide for waivers in specified situations because allowing a grace period for establishing eligibility, allowing more income deductions, and waiving some interview requirements are all benefits to clients.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on November 4, 2009, as **ARC 8272B**. The Department received no public comments on the Notice of Intended Action.

The Department has added new Item 11 to amend rule 441—65.16(234) to update the form number of the Spanish version of the Food Assistance Complaint to 470-0323(S). The subsequent items have been renumbered accordingly. New Item 11 reads as follows:

“441—65.16(234) Complaint system. Clients wishing to file a formal written complaint concerning the food assistance program may submit Form 470-0323, or 470-0323(S), Food Assistance Complaint, to the office of field support. Department staff shall encourage clients to use the form.”

The Council on Human Services adopted these amendments on January 13, 2010.

These amendments are intended to implement Iowa Code sections 234.12, 239B.2, 239B.3, 239B.7, and 249A.4.

The Department finds that these amendments confer a benefit on clients who are late returning documentation or miss interviews by extending the period during which assistance can be reinstated without the client’s submitting a new application, by exempting additional income from the eligibility determination, and by allowing alternatives to appearing for face-to-face interviews. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments shall become effective on March 1, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 40, 41, 65, 75, 76, 92] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8272B**, IAB 11/4/09.

[Filed Emergency After Notice 1/13/10, effective 3/1/10]

[Published 2/10/10]

[For replacement pages for IAC, see IAC Supplement 2/10/10.]